

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

PENN ELLETSON, an individual; and SANDI ELLETSON, an individual,

Plaintiffs,

2:17-cv-01107-JCM-VCF

## **ORDER**

vs.  
CHALMERS AUTOMOTIVE, LLC, *et al.*,

## Defendants.

Before the Court is Plaintiffs' Motion to Compel Defendants to Appear for Depositions and to Provide Further Responses to Discovery Requests. (ECF No. 46).

Plaintiffs seek the Court to compel Albert J. Chalmers and Michael Ferris to supplement their discovery responses and for Albert J. Chalmers and Michael Ferris to appear for depositions in Las Vegas, Nevada. Plaintiffs also seek monetary sanctions against these defendants. *Id.*

Discovery closed on February 12, 2018. (ECF No. 36). Plaintiffs filed the instant motion on March 13, 2018. To date, no opposition has been filed and the time to file opposition has passed.

Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. Here, it would seem as though Albert J. Chalmers and Michael Ferris have consented to the granting of the instant motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Compel Defendants to Appear for Depositions and to Provide Further Responses to Discovery Requests (ECF No. 46) is GRANTED in part

1 and DENIED in part. Albert J. Chalmers and Michael Ferris' objections to written discovery as stated in  
2 the instant motion are overruled. Albert J. Chalmers and Michael Ferris must answer Plaintiffs' discovery  
3 requested in the instant motion on or before April 27, 2018. Discovery has closed and will not be extended.  
4 However, Plaintiffs have until May 30, 2018 to take the deposition of Albert J. Chalmers and Michael  
5 Ferris. Plaintiffs may take the deposition of Albert J. Chalmers and Michael Ferris in Las Vegas, Nevada.  
6 No sanctions against Albert J. Chalmers and Michael Ferris will be imposed at this time.

7 Dispositive motions must be filed on or before July 2, 2018. Joint Pretrial Order is due August 1,  
8 2018. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended  
9 until 30 days after decision on the dispositive motions or further court order.

10 The Clerk of Court is directed to mail a copy of this order to the following:

11  
12 Albert J. Chalmers  
13 8607 N. Wabash Ave.  
14 Kansas City, MO 64116

15 Michael Ferris  
16 1420 Gentry Street  
17 North Kansas City, MO 64116

18 IT IS SO ORDERED.

19 DATED this 6th day of April, 2018.

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CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE